

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

NOV 29 2010

JULIA C. DUDLEY, CLERK
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| UNITED STATES OF AMERICA, |) | |
| |) | Criminal No. 5:02cr30041-004 |
| Respondent, |) | |
| |) | |
| v. |) | <u>MEMORANDUM OPINION</u> |
| |) | |
| WILLIAM PETTIS, |) | By: Samuel G. Wilson |
| |) | United States District Judge |
| Petitioner. |) | |

This is Williams C. Pettis' second successive motion purportedly pursuant to 28 U.S.C. § 2255 challenging the validity of his plea of guilty to charges of conspiracy to distribute 50 grams or more of crack cocaine, in violation of 21 U.S.C. § 846, and possession of a firearm in furtherance of that offense, in violation of 18 U.S.C. § 924(c)(1).¹ The court previously informed Pettis that it did not have jurisdiction to consider a successive motion and apprised him that he must seek permission of the Court of Appeals to file his motion. Pettis claims that his current motion is not successive because it is based on new evidence that was not previously available. New evidence or not, however, Pettis must still obtain the requisite permission of the Court of Appeals for the Fourth Circuit pursuant to 28 U.S.C. § 2255(h). Accordingly, the court will deny his motion.

ENTER: November 29, 2010.


UNITED STATES DISTRICT JUDGE

¹ The court denied Pettis' first motion pursuant to 28 U.S.C. § 2255 on July 13, 2006. Pettis filed a successive motion on October, 15 2010 which the court denied on October 27, 2010.